

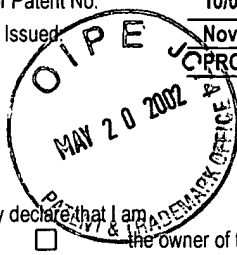
Applicant or Patentee: BRUCE J. SABACKY et al.

Serial or Patent No: 10/053,177

Case No.: 10225/21 (A18)

Filed or Issued: November 2, 2001

For: PROCESS FOR MAKING NANO-SIZED STABILIZED ZIRCONIA



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am ☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN ALTAIR NANOMATERIALS INC.  
ADDRESS OF CONCERN 204 EDISON WAY, RENO, NEVADA 89502

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled by inventor(s) BRUCE J. SABACKY and TIMOTHY M. SPITLER described in

- ☐ the specification filed herewith.  
☒ application serial no. 10/053,177, filed November 2, 2001.  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME  
ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME  
ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

SIGNATURE

NAME OF PERSON SIGNING

TITLE OF PERSON OTHER THAN OWNER

ADDRESS OF PERSON SIGNING

Edward H. Dickinson DATE April 9, 2002  
EDWARD H. DICKINSON  
VICE PRESIDENT AND CHIEF FINANCIAL OFFICER  
204 EDISON WAY, RENO, NEVADA 89502

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
Chicago, Illinois 60610  
(312) 321-4200

Case No. 10025/21 (A18)**DECLARATION FOR PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **PROCESS FOR MAKING NANO-SIZED STABILIZED ZIRCONIA**, the specification of which:

- ☐ is attached hereto.  
☒ was filed on November 2, 2001 as Application Serial No. 10/053,177.  
☐ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)Priority Claimed

☐ Yes  
☐ No

(Number) (Country) (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

(Application Serial No.) (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.) (Filing Date) (Status-patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Full name of sole or first inventor

Residence

Citizenship

Post Office Address

BRUCE J. SABACKYDate: April 9, 20028555 COUNCIL LANE, RENO, NEVADA 89511UNITED STATES8555 COUNCIL LANE, RENO, NEVADA 89511

BRINKS HOFER GILSON &amp; LIONE

P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200

Case No. 10225/21 (A18)

Inventor's Signature

Full name of second joint inventor, if any

Residence

Citizenship

Post Office Address

Timothy M. Spiller  
TIMOTHY M. SPILLER

Date:

April 9, 2002

102 RACHEL STREET, FERNLEY, NEVADA 89408

UNITED STATES

102 RACHEL STREET, FERNLEY, NEVADA 89408

200250-225002

Inventor(s):

BRUCE A. BACKY et al.

Title:

PROCESS FOR MAKING NANO-SIZED STABILIZED ZIRCONIA

## POWER OF ATTORNEY

The specification of the above-identified patent application:

is attached hereto

was filed on November 2, 2001 as application Serial No. 10/053,177

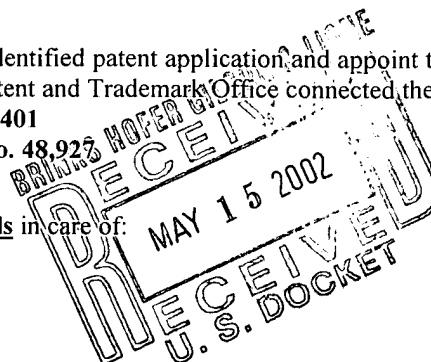
I hereby revoke all previously granted powers of attorney in the above-identified patent application and appoint the following attorneys to prosecute said patent application and to transact all business in the Patent and Trademark Office connected therewith:

G. Peter Nichols – Reg. No. 34,401

Jonathan M.B. Blanchard – Reg. No. 48,922

Please address all correspondence and telephone calls to G. Peter Nichols in care of:

Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610  
(312)321-4200



The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from G. Peter Nichols as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

Altair Nanomaterials Inc., a corporation of the State of Nevada, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

☒ An assignment from the inventor(s) of the patent application identified above, a copy of which is attached hereto.

OR

☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, frame \_\_\_\_\_.

OR

☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, frame \_\_\_\_\_, or a copy thereof is attached.
2. From \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned has reviewed the assignment or all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature

Date:

May 2, 2002

Name:

Edward H. Dickinson

Title:

Vice President and Chief Financial Officer

ASSIGNMENT

WHEREAS, **BRUCE J. SABACKY** and **TIMOTHY M. SPITLER**, hereinafter called the "Assignors", have made the invention described in the United States patent application entitled **PROCESS FOR MAKING NANO-SIZED STABILIZED ZIRCONIA**, for a full description of which reference is here made to an application for Letters Patent of the United States filed on **November 2, 2001**, and assigned Application Serial No. **10/053,177**;

WHEREAS, **ALTAIR NANOMATERIALS INC.**, a corporation organized and existing under the laws of the State of **NEVADA**, having a place of business at **204 EDISON WAY, RENO, NEVADA 89502**, hereinafter called the "Assignee", desires to acquire the entire right, title and interest in and to the invention and the patent application identified above, and all patents which may be obtained for said invention, as set forth below;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other valuable and legally sufficient consideration, the receipt of which by the Assignors from the Assignee is hereby acknowledged, the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer to the Assignee, the entire right, title and interest for the United States in and to the invention and the patent application identified above, and any patents that may issue for said invention in the United States; together with the entire right, title and interest in and to said invention and all patent applications and patents therefor in all countries foreign to the United States, including the full right to claim for any such application all benefits and priority rights under any applicable convention; together with the entire right, title and interest in and to all continuations, divisions, renewals and extensions of any of the patent applications and patents defined above; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for all such patents.

The Assignors hereby covenant and agree, for both the Assignors and the Assignors' legal representatives, that the Assignors will assist the Assignee in the prosecution of the patent application identified above; in the making and prosecution of any other patent applications that the Assignee may elect to make covering the invention identified above; in vesting in the Assignee like exclusive title in and to all such other patent applications and

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patents; and in the prosecution of any interference which may arise involving said invention, or any such patent application or patent; and that the Assignors will execute and deliver to the Assignee any and all additional papers which may be requested by the Assignee to carry out the terms of this Assignment.

The Commissioner of Patents and Trademarks is hereby authorized and requested to issue patents to the Assignee in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, the Assignors have executed this agreement.

DATED:

April 9, 2002

Bruce J. Sabacky  
BRUCE J. SABACKY

DATED:

April 9, 2002

Timothy M. Settler  
TIMOTHY M. SETTLER

20025077.052002

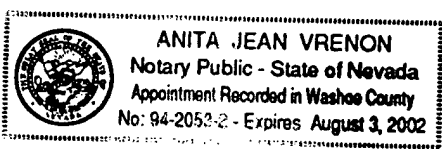
STATE OF Nevada )  
 ) ss.  
COUNTY OF Washoe )

I, ANITA JEAN VRENON a Notary Public in and for the County and State  
aforesaid, do hereby certify that **BRUCE J. SABACKY**, personally known to me to be the same  
person whose name is subscribed to the foregoing instrument, appeared before me this day in  
person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her  
free and voluntary act for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this  
9th day of April, 2002.

My Commission Expires:

*Anita Jean Vrenon*



20053177.052002

STATE OF Nevada )  
COUNTY OF Washoe ) ss.

I, Anita Jean Vrenon a Notary Public in and for the County and State aforesaid, do hereby certify that **TIMOTHY M. SPITLER**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this 9<sup>th</sup> day of April, 2002.

My Commission Expires:

*Anita Jean Vrenon*



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